IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21311 of 2004

Between:

Smt. J. Chandra Kala, W/o T. Yadagiri,
Kuntloor Village, Hayathnagar Mandal, Ranga Reddy District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, East Division,

Ranga Reddy District at Malakunta Road,
Goshamahal, Hyderabad.
2 The Mandal Revenue Officer, Hayathnagar,

Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature writ of Mandamus, declaring the action of the respondents for non supply of E.C's to the petitioner herein where the petitioner authorization is existing as on today and valid upto 31-3-2005 for the F.P. Shop Kuntloor village, Hayathnagar Mandal is null and void and illegal and direct the 2nd respondent to supply of commodities as usual to the petitioner,

Counsel for the Petitioner : MR.BOLLAM LINGAIAH YADAV

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

The petitioner was appointed as a Fair Price Shop Dealer for Kuntloor Village of Ranga Reddy District. Her appointment is said to be valid till 31.03.2005. The said Fair Price Shop was kept in-charge of another dealer through proceedings dated 18.11.2004, issued by the 2nd respondent. The petitioner submits that the appointing authority, viz., the 1st respondent, has not passed any orders so far, either suspending or canceling the authorization, and the action taken by the 2nd respondent through proceedings, dated 18.11.2004, cannot be sustained. She seeks a direction from this Court to the respondents to supply the essential commodities, as long as the authorization subsists.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

It is not in dispute that the 1st respondent is the appointing authority for Fair Price Shop Dealers and that the petitioner holds such an authorization valid till 31.03.2005. A perusal of the memo, dated 18.11.2004, discloses that the 2nd respondent noticed some irregularities against the petitioner and reported the matter to the 1st respondent for necessary steps. It is ultimately for the 1st respondent to take any action. It is not at all open to the 2nd respondent to deny the supply of essential commodities to the petitioner, as long as the authorization is neither suspended nor cancelled.

Hence, the writ petition is allowed directing that the respondents shall supply the essential commodities to the petitioner, as long as the authorization in his favour is in force. This order, however, does not preclude them from taking any action in accordance with the relevant provisions, in case, the petitioner is found to have resorted to any irregularities. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Date: 22nd November, 2004

Note: Furnish copy in two days.

(B/o.)

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To

1 The Revenue Divisional Officer, East Division,

Ranga Reddy District at Malakunta Road,
Goshamahal, Hyderabad.

2 The Mandal Revenue Officer, Hayathnagar,

Ranga Reddy District.

3 2 CCs to the G.P. for Civil Supplies, High Court Buildings,

High Court of A.P., Hyderabad. (OUT)

4 2 CD copies.